

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

ELECTRONICALLY FILED Jul 09 2020 U.S. DISTRICT COURT Northern District of WV
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JANE DOE.,

Plaintiff

v.

TIMOTHY PHILLIPS,

Defendant.

Civil Action No. 2:20-CV-19**COMPLAINT****JURY TRIAL DEMANDED**

REQUEST TO PROCEED PSEUDONYMOUSLY

Federal Rule of Civil Procedure 10(a) requires that a complaint "name all the parties." Fed. R. Civ. P. 10(a). However, "... in exceptional circumstances, compelling concerns relating to personal privacy or confidentiality may warrant some degree of anonymity in judicial proceedings, including use of a pseudonym." *Co. Doe v. Pub. Citizen*, 749 F.3d 246, 273 (4th Cir. 2014) (citing *James v. Jacobson*, 6 F.3d 233, 238 (4th Cir. 1993)).

The Fourth Circuit has identified five nonexclusive factors to consider when determining whether a party may proceed under a pseudonym:

whether the justification asserted by the requesting party is merely to avoid the annoyance and criticism that may attend any litigation or is to preserve privacy in a matter of sensitive and highly personal nature; whether identification poses a risk of retaliatory physical or mental harm to the requesting party or even more critically, to innocent non-parties; the ages of the persons whose privacy interests are sought to be protected; whether the action is against a governmental or private party; and, relatedly, the risk of unfairness to the opposing party from allowing an action against it to proceed anonymously." *James v. Jacobson*, 6 F.3d 233, 238 (4th Cir. 1993) citing *Doe v. A Corp.*, 709 F.2d 1043, 1044 n.1 (5th Cir. 1983).

As described at length in the Complaint, Plaintiff has suffered significant physical and mental abuse at the hands of a Defendant who poses a significant threat to her wellbeing. This abuse and trafficking is of a highly personal nature. Defendant is a private party who will suffer

no unfairness if Plaintiff is permitted to proceed under a pseudonym. Given the nature of this action, Plaintiff respectfully requests permission to proceed pseudonymously.

Respectfully submitted,

JANE DOE

By counsel,

/s/Aubrey Sparks
Aubrey Sparks (WV Bar No. 13469)
Mountain State Justice, Inc.
1217 Quarrier Street
Charleston, West Virginia 25301
(p) 304-344-3144
(f) 304-344-3145
aubrey@msjlaw.org